

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| CORPORAL B. KURT PRICE, et al.,     | : |                     |
|                                     | : |                     |
| Plaintiffs,                         | : |                     |
|                                     | : | C.A. No. 04-956-GMS |
| v.                                  | : |                     |
|                                     | : |                     |
| COLONEL L. AARON CHAFFINCH, et al., | : |                     |
|                                     | : |                     |
| Defendants.                         | : |                     |

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| SERGEANT CHRISTOPHER FORAKER,       | : |                      |
|                                     | : |                      |
| Plaintiff,                          | : |                      |
|                                     | : | C.A. No. 04-1207-GMS |
| v.                                  | : |                      |
|                                     | : |                      |
| COLONEL L. AARON CHAFFINCH, et al., | : |                      |
|                                     | : |                      |
| Defendants.                         | : |                      |

**STIPULATION AND ORDER  
REGARDING THE SCHEDULE FOR REPLY BRIEFS  
IN SUPPORT OF PARTIES' MOTIONS FOR SUMMARY JUDGMENT**

WHEREAS, on January 25, 2006, Defendants L. Aaron Chaffinch, Thomas F. MacLeish, David B. Mitchell, and the Division of State Police, Department of Safety and Homeland Security, State of Delaware filed and served Motions for Summary Judgment in the above-captioned cases, along with Opening Briefs and a combined appendix in support of the Motions;

WHEREAS, at the same time, Plaintiffs B. Kurt Price, Wayne Warren, and Christopher Foraker also filed and served Motions for Summary Judgment in both actions, together with Opening Briefs and a supporting appendix;

WHEREAS, on February 8, 2006, Defendants filed and served Answering Briefs and an appendix in opposition to Plaintiffs' Motions for Summary Judgment;

WHEREAS, Plaintiffs filed and served on the same date Answering Briefs and an appendix in opposition to Defendants' Motions for Summary Judgment;

WHEREAS, the combined briefing in these cases thus far exceeds 200 pages;

WHEREAS, the appendices attached to the Opening Briefs and Answering Briefs exceeds 4,500 pages;

WHEREAS, the parties find that Reply Briefs are appropriate and necessary;

WHEREAS, the parties agree that scheduling the Reply Briefs to be served and filed no later than five (5) days after served and filing of the Answering Briefs, i.e., February 15, 2006, is impracticable; and

WHEREAS, scheduling the Reply Briefs to be served and filed no later than seven (7) days after served and filing of the Answering Briefs, i.e., February 17, 2006, will not affect other deadlines ordered by the Court;

It is hereby STIPULATED and AGREED by and between Plaintiffs and Defendants, subject to the approval of the Court, that:

1. The parties may serve and file Reply Briefs in support of the Motions for Summary Judgment on or before February 17, 2006; and
2. All other deadlines and dates set forth in this Court's February 11, 2005 Rule 16 Scheduling Order will remain in full force and effect, and are in no way altered by this Order except as provided in paragraph 1 above.

IT IS SO STIPULATED.

\_\_\_\_/s/ Noel C. Burnham\_\_\_\_\_  
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This matter having come before the Court upon the above Stipulation of the parties hereto and the Court having reviewed the Stipulation of the parties and being fully advised in the premises, and good cause appearing for the entry of the Stipulation as an Order of the Court:

**IT IS HEREBY ORDERED** that the Stipulation of the parties set forth above is hereby entered as an Order of the Court this \_\_\_\_ day of \_\_\_\_\_, 2006.